

Assembly Bill No. 1165

Passed the Assembly August 24, 2006

Chief Clerk of the Assembly

Passed the Senate August 17, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1165, Bogh. State employees: State Bargaining Unit 8.

Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act.

Existing law requires any side letter, appendix, or other addendum to a properly ratified memorandum of understanding that requires the expenditure of \$250,000 or more related to salary and benefits and that is not already contained in the original memorandum of understanding or the Budget Act, to be provided by the Department of Personnel Administration to the Joint Legislative Budget Committee. Existing law requires the Joint Legislative Budget Committee to determine within 30 days after receiving the side letter, appendix, or other addendum if it presents substantial additions that are not reasonably within the parameters of the original memorandum of understanding and thereby requires legislative action to ratify the side letter, appendix, or other addendum.

This bill would approve provisions of an addendum to a memorandum of understanding entered into between the state employer and State Bargaining Unit 8, and would provide that those provisions that require the expenditure of funds shall not become effective unless funds for those provisions are specifically appropriated by the Legislature. The bill would provide that if funds for those provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

This bill would further provide that the provisions of the addendum to the memorandum of understanding that require the expenditure of funds shall become effective even if those provisions are approved by the Legislature in legislation other than the annual Budget Act.

This bill would also appropriate \$23,667,000 from the General Fund to the Department of Forestry and Fire Protection for expenditure for the 2006–07 fiscal year for employee compensation in augmentation of the Budget Act of 2006, as specified, and would reduce a specified appropriation to that department by \$12,621,000.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the purpose of this act is to approve those provisions of an agreement pursuant to Section 3517 of the Government Code entered into by the state employer and State Bargaining Unit 8, California Department of Forestry Firefighters, on May 12, 2006, that require the expenditure of funds.

SEC. 2. The provisions of the addendum to the memorandum of understanding prepared pursuant to Section 3517.5 of the Government Code and entered into by the state employer and State Bargaining Unit 8 and that require the expenditure of funds, are hereby approved for the purposes of subdivision (b) of Section 3517.6 of the Government Code.

SEC. 3. The provisions of the addendum to the memorandum of understanding approved by Section 2 of this act that are scheduled to take effect on or after July 1, 2006, and that require the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the Legislature. If funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions, or either party may reopen negotiations on all or part of the addendum to the memorandum of understanding pursuant to Section 3517.7 of the Government Code.

SEC. 4. Notwithstanding subdivision (b) of Section 3517.6 of the Government Code, the provisions of the addendum to the memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the addendum to the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

SEC. 5. (a) The sum of twenty-three million six hundred sixty-seven thousand dollars (\$23,667,000) is hereby appropriated from the General Fund to the Department of Forestry and Fire Protection for expenditure for the 2006–07 fiscal year for employee compensation in augmentation of Item 3540-001-0001 of Section 2.00 of the Budget Act of 2006 in accordance with the following schedule:

(1) Twenty-three million six hundred sixty-seven thousand dollars (\$23,667,000) to Item 3540-001-0001, Schedule (2) 11 – Fire Protection.

(b) The sum of twelve million six hundred twenty-one thousand dollars (\$12,621,000) is hereby reduced from Item 3540-006-0001 of Section 2.00 of the Budget Act of 2006.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order for the provisions of this act to be applicable as soon as possible for the 2005–06 fiscal year, and thereby facilitate the orderly administration of state government at the earliest possible time, it is necessary that this act take effect immediately.

Approved _____, 2006

Governor